

REMARKS

I. Introduction

Claims 15 to 36 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received from the International Bureau.

II. Rejection of Claims 15 and 32 under 35 U.S.C. 112, Second Paragraph

Claims 15 and 32 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. While this rejection is not necessarily agreed with, to facilitate matters, claims 15 and 32 have been amended herein without prejudice to obviate this rejection. Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 15, 24 to 25 and 28 Under 35 U.S.C. § 102(b)

Claims 15, 24 to 25 and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by Japanese Publication No. 11-292616 ("Ayako"). Applicants respectfully submit that Ayako does not anticipate claims 15, 24 to 25 and 28 as amended herein for at least the following reasons.

As an initial matter, paragraph 7 (seven) of the Office Action refers to a rejection of previously canceled claim 1. In a telephone conversation on November 15, 2007, the Examiner confirmed that the rejection was intended for claim 15.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 15 relates to a glass-ceramic composite material comprising a glass-type matrix and a ceramic filler. Claim 15, as amended, recites that the ceramic filler has an oxygen content of 0.5 wt. % o 2.0 wt. %. Support for this amendment may be found, for example, on page 3, lines 11-17. In contrast Ayako does not disclose, or even suggest, a

specified weight ratio of oxygen in a ceramic filler. It is therefore respectfully submitted that Ayako does not anticipate amended claim 15.

Claims 24, 25 and 28 depend from claim 15 and therefore include all of the features of claim 15. It is respectfully submitted that Ayako does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 15.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 29 to 36 Under 35 U.S.C. § 102(b)

Claims 29 to 36 were rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,821,142 ("Ushifusa"). Applicants respectfully submit that Ushifusa does not anticipate claims 29 to 36 as amended herein for at least the following reasons.

Claim 29 relates to a ceramic foil, ceramic laminate or microhybrid, comprising a glass-ceramic composite material comprising a glass-type matrix and a ceramic filler. Claim 29, as amended, recites that the ceramic filler has an oxygen content of 0.5 wt. % to 2.0 wt. %. Support for this amendment may be found, for example, on page 3, lines 11 to 17 of the Specification. Ushifusa does not disclose, or even suggest, a specified weight ratio of oxygen in a ceramic filler. In contrast, Ushifusa uses silica microspheres as ceramic filler, with no indication of any specified oxygen content. It is therefore respectfully submitted that Ushifusa does not anticipate amended claim 29.

For at least the same reasons as claim 29, Applicants respectfully submit that claim 30, as amended, is not anticipated by Ushifusa. Claim 30, as amended, recites a mixing of a ceramic filler having an oxygen content of 0.5 wt. % to 2.0 wt. % in with the glass powder. As indicated above, Ushifusa does not disclose, or even suggest, this feature. It is therefore respectfully submitted that Ushifusa does not anticipate amended claim 30.

Claims 31 to 36 depend from claim 30 and therefore include all of the features of claim 30. It is respectfully submitted that Ushifusa does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 30.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 16 to 21 Under 35 U.S.C. § 103(a)

Claims 16 to 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ayako in view of United States Patent No. 6,514,890 ("Nagata"). Applicants respectfully submit that the combination of Ayako and Nagata does not render unpatentable claims 16 to 21, as presented, for at least the following reasons.

As more fully set forth above, Ayako does not disclose, or even suggest, the feature of claim 15 of a ceramic filler having an oxygen content of 0.5 wt. % to 2.0- wt. %. Nagata also fails to disclose, or even suggest, a ceramic filler having an oxygen content of 0.5 wt. % to 2.0- wt. %. Claims 16 to 21 depend from claim 15. It is therefore respectfully submitted that the combination of Ayako and Nagata does not render unpatentable claims 16 to 21.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claims 22 and 23 Under 35 U.S.C. § 103(a)

Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ayako in view of United States Patent No. 5,242,867 ("Lin"). Applicants respectfully submit that the combination of Ayako and Lin does not render unpatentable claims 22 and 23, as presented, for at least the following reasons.

As more fully set forth above, Ayako does not disclose, or even suggest, the feature of claim 15 of a ceramic filler having an oxygen content of 0.5 wt. % to 2.0- wt. %. Likewise, Lin also fails to disclose, or even suggest, a ceramic filler having an oxygen content of 0.5 wt. % to 2.0- wt. %. Claims 22 and 23 depend from claim 15. It is therefore respectfully submitted that the combination of Ayako and Nagata does not render unpatentable claims 22 and 23.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VII. Rejection of Claims 26 and 27 Under 35 U.S.C. § 103(a)

Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ayako. As more fully set forth above, Ayako does not disclose, or even suggest, the feature of claim 15 of a ceramic filler having an oxygen content of 0.5 wt. % to 2.0- wt. %. Claims 26 and 27 depend from claim 15. It is therefore respectfully submitted that Ayako does not render unpatentable claims 26 and 27.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VIII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

Dated: Jan. 9, 2008

By: Gerard A. Messina *rw*
Reg. No. 35,952 *42,194*

KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200
(212) 425-5288

CUSTOMER NO. 26646